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MAY 27 2004

OFFICE OF PETITIONS

In re Application of :
Sachin Ahuja, Gavin B. Horn, :
Michael Fleisher, John S. Chen, : DECISION REFUSING STATUS
Adityo Prakash and Edward R. Ratner: UNDER 37 CFR 1.47(a)
Application No. 10/692,466 :
Filed: October 23, 2003
For: METHOD AND APPARATUS FOR
MERGING RELATED IMAGE SEGMENTS

This is in response to the "Petition Under 37 CFR 1.47(a)," filed March 22, 2004, regarding non-signing inventor **Sachin Ahuja**.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.** Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed on October 23, 2003 without an executed oath or declaration and naming **Sachin Ahuja**, Gavin B. Horn, Michael Fleisher, John S. Chen, Adityo Prakash and Edward R. Ratner as joint inventors.

Accordingly, on January 23, 2004, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a filing fee, and a surcharge for their late filing.

In response, on March 22, 2004, the instant petition was filed.

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A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee; and

(4) a statement of the last known address of the non-signing inventor.

Applicant lacks items (1), as set forth above.

As to item (1), Rule 47 applicant has failed to show that non-signing inventor **Sachin Ahuja** cannot be reached. Applicant has stated that the mailing of January 19, 2004 was returned and noted, "moved left no address," and tried to call non-signing inventor **Sachin Ahuja's** phone number and found it to be disconnected. Petitioner must make "a diligent effort" to locate the non-signing inventor. A statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. The statement of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the non-signing inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the non-signing inventor should be included statement of facts. It is important that the statement contain facts as opposed to conclusions. If these attempts to locate the non-signing inventor fail, then applicant will have established that the inventor cannot be reached. See MPEP 409.03(d).

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petition
 Commissioner for Patents
 Box 1450
 Alexandria, VA 22313

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By FAX: (703) 872-9306
Attn: Office of Petitions

By hand: Customer Service Window
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Telephone inquiries related to this decision should be directed to the undersigned at (703) 306-9200.



Edward J. Tannouse
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